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May 26, 2005

Via Certified Mail - RRR
7004 2510 0007 4410 8032

United States Environmental
Protection Agency
Region 2
290 Broadway
New York, NY 10007-1866

Attention: Deborah Mellott, Esq.

Re: E. M. Sergeant
Demand for Reimbursement of Past Costs Expended at Lower Passaic River Study
Area in Essex, Hudson, Bergen and Passaic Counties, New Jersey

Dear Ms. Mellott:

Please be advised that I am now representing E. M. Sergeant in this matter. Previously, Daniele Cervino was representing E. M. Sergeant and I have replaced her as counsel in this matter. Accordingly, please forward all correspondence directly to these offices.

In response to your letter dated May 2, 2005, wherein you assert responsibility on behalf of E. M. Sergeant in the Lower Passaic River Study Area, please be advised that E. M. Sergeant disputes such responsibility. In addition, E. M. Sergeant is in the process of retaining a consultant to review the allegations and we will provide you with a more detailed response in the very near future. In the interim, please be advised that E. M. Sergeant disputes the allegations, especially with respect to the contaminants which are the main focus of the EPA in this matter. There is no evidence that the alleged actions of E. M. Sergeant had any effect on the quality of the Passaic River and it is clear that the deleterious effects of other industrial activity are the main focus of EPA's action.

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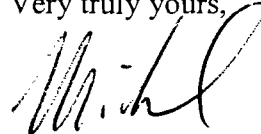
Deborah Mellott, Esq.
May 26, 2005
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Based upon the merits, at worst, E. M. Sergeant should be treated as a *de minimus* or *de micromus* contributor due to the limited effect of E. M. Sergeant's operations on the Passaic River, if any.

We implore the EPA to provide us with an opportunity to meet and discuss the merits of this case, rather than continuing to treat E. M. Sergeant as if it were a significant contributor to the condition of the Passaic River.

The above is offered for the purposes of settlement discussion only, without prejudice to the rights of E. M. Sergeant, all of which are hereby expressly reserved.

Very truly yours,



Michael G. Stingone

MGS/jh

cc: Scott Reisch

Daniel Cervino, Esq.

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